(4)

C.F. 100/-

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W.P. No.1645/2001

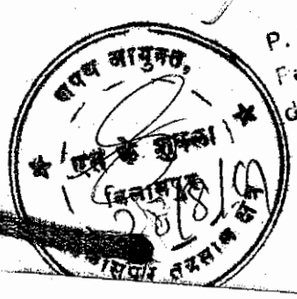
WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

PETITIONER : Tikeshwar Prasad Yadav aged 33 years
S/o Kuber Ram Yadav
R/o Village Diwanpur Tahsil Pathalgaon
Distt. Jashpur (C.G.)

Vs

RESPONDENATS :
1. State of Chhattisgarh
Through The Secretary,
Panchayat & Rural Department
Raipur.
2. The Collector
Jashpur (C.G.)
3. The Chief Education Officer
Janpad Panchayat, Pathalgaon
Distt. Jashpur (C.G.)

P. R. No. 17/9/01
Presented by Shri B.L. Dembra
dated 29.8.2001



XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(27)

आदेश पत्रक

W.P.No. 1645/2001

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	9/10/2001 Shri Bharatlal Dembra, learned counsel for the petitioner. Dr.N.K. Shukla, learned Dy.A.G. for respondent/State. Heard. O R D E R The petitioner was given appointment as Shiksha Karmi Class-III (Assistant Teacher) in Primary School, Bagai Pariya (Tarekala) by the Chief Education Officer, Janpad Panchayat, Pathalgaon, vide order dated 24/3/1999. While serving in the same post, the service of the writ petitioner was terminated by another order issued on 28/4/2001. The revision petition was filed before the Additional Collector, Jashpur. It was disposed of on 28/6/2001 with a direction to the Chief Education Officer that the petitioner's case should be considered after obtaining permission from the Additional Collector, Jashpur, on the ground that since juniors had been retained, the service of the writ petitioner could not have been terminated. However, as permission was not available, the Chief Education Officer could not reinstate the writ petitioner in service. In this regard a communication was submitted to the Additional Director by C.E.O. However, there was no response from the Additional Director. The writ petitioner filed	

[पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

representation before the Additional Collector on 9/8/2001 and thereafter representations were also made before the Chief Education Officer on 10/8/2001 and 17/8/2001.

After hearing learned counsel for the petitioner as well as Dr.N.K. Shukla, learned Dy.A.G. for the State, I am of the opinion that since representations are pending before the Competent Authority, the same ought to havebeen disposed of on merit.

In the result, this petition is disposed of with the direction that the respondent no.2 - the Collector, Jashpur shall dispose of the representation pending before him regarding permission to be given to the Chief Education Officer within a period of 15 days from the date of receipt of this order. The respondent no.3 - the Chief Education Officer shall thereafter dispose of the representation pending before him on receipt of such permission given to him by the Collector within a period of another 15 days. In view of the statement made in para 6 of the order passed by the Collector (Annexure P/3) dated 28/6/2001, there shou l be no difficulty in passing favourable order.

Certified copy as per rules.

Sd/-
Chief Justice

rsnr*

GRPRJ—FS/311—1/2001—50,000.